

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

BNSF Railway Company,	)	
	)	
Plaintiff,	)	<b>ORDER DENYING MOTION</b>
	)	<b>TO APPEAR BY TELEPHONE</b>
vs.	)	
	)	
Strata Corporation,	)	
	)	Case No. 4:13-cv-119
Defendant.	)	

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Before the court is “Defendant Strata Corporation’s Motion for Telephonic Appearance Regarding Scheduled Mediation” filed November 10, 2014. Defendant requests that its claims representative be permitted to appear by telephone for the settlement conference set for December 18, 2014. The court held a telephonic status conference to discuss the motion on November 20, 2014. Timothy R. Thornton appeared on plaintiff’s behalf. Peter W. Zuger appeared on defendant’s behalf.

The court **DENIES** the motion (Docket No. 25). The court will not hold the settlement conference as scheduled unless all parties appear in person. Counsel for defendant is directed to advise the court of whether defendant wishes to proceed with the settlement conference.

**IT IS SO ORDERED.**

Dated this 20th day of November, 2014.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court